

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	§	
	§	
SKYPORT GLOBAL	§	CASE NO. 08-36737-H4-11
COMMUNICATIONS, INC.,	§	
Debtor	§	
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JOANNE SCHERMERHORN, ET AL.,	§	
Plaintiffs	§	
	§	
v.	§	Adversary No. 10-03150
	§	
CENTURYTEL, INC. (A/K/A	§	
CENTURLINK), ET AL.,	§	
Defendants	§	

**EXPEDITED MOTION FOR PROTECTIVE ORDER**

**NOTICE PURSUANT TO LOCAL RULE 9013**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED.**

**IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now, the Schermerhorn Parties, respectfully showing as follows:

1. On July 30, 2010, the Schermerhorn Parties filed Exhibits for hearings on August 3, 2010, which included Exhibit 14, unredacted invoices of McKool Smith, P.C., and Exhibit 15, chart of objections to McKool Smith Time Entries.

2. Immediately upon being contacted by Hugh Ray that such filing violated this Court's Order Denying Motion for Continuance in which McKool Smith, P.C. was ordered to provide unredacted fee statements but such statements were not to be shared with anyone but counsel of record and further providing that pursuant to Fed. R. Ev. 502(d) production waived no privilege, counsel for the Schermerhorn Parties filed Withdrawal of Document seeking to withdraw Exhibits 13 through 19. In so doing the redacted invoices were submitted. Calls were made to the Clerk's office seeking to expunge the record of the unredacted invoices, but counsel was unable to reach anyone as it was after 5:00 p.m. on Friday.

3. The filing of this Exhibit was a mistake, an unintentional mistake that counsel immediately undertook to correct. However, in addition Fed. R. Bankr. P. 9018 enables this Court to enter any order to protect confidential information. Counsel for the Schermerhorn Parties requests that if unsuccessful in its efforts to expunge the record, that the Court seal this Exhibit 14 and the Chart of Objections and view same at the hearings on August 3, 2010 only in camera, providing other safeguards necessary to protect this document, but which still allows the Schermerhorn Parties the ability to contest the reasonableness, necessity, etc. of each time entry.

WHEREFORE, PREMISES CONSIDERED, the Schermerhorn Parties pray for the relief Herein requested and for such other and further relief as is just.

Dated: August 2, 2010.

Respectfully submitted,

McFALL, BREITBEIL & SHULTS, P.C.

By: /s/ W. Steve Smith

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF CONFERENCE**

The undersigned contacted Hugh Ray by email on Friday, stating whatever steps were necessary to correct the mistake would be undertaken.

/s/ W. Steve Smith

W. Steve Smith

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document is being served on the 2<sup>nd</sup> day of August, 2010, on all of the following parties via regular first class mail, postage prepaid. Those ECF users registered in this case will receive electronic notice on August 2, 2010.

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/s/ W. Steve Smith

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